

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DELMONTE ANTWANE PITTS,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-17-0885-F
)	
B.M. ANTONELLI, Warden,)	
)	
Respondent.)	

ORDER


Any objection to the Report and Recommendation of the Magistrate Judge (the Report, doc. no. 7) was due by September 12, 2017. Petitioner has not objected to the Report. Nor has petitioner asked for additional time within which to object.

Upon review, the Report's recommendation that petitioner's motion for leave to proceed in forma pauperis (doc. no. 6) be denied because petitioner has sufficient financial resources to pay the filing fee, is **ADOPTED**. The Report's recommendation that this action be dismissed absent payment of the filing fee is also **ADOPTED**.

As stated, petitioner has not objected to the finding that he is able to pay the fee and is required to do so or this case will be dismissed. Petitioner has, however, moved for a fourteen-day extension of time within which to pay the filing fee. Doc. no. 8. Petitioner states that he has withdrawn the filing fee from his account but that the money has not yet cleared through the Bureau of Prison's Trust Fund Department. Petitioner's motion for an extension of time within which to pay the filing fee to the Clerk of this Court is **GRANTED**. As requested in petitioner's

motion, the five dollar filing fee must be paid to the Clerk of this Court by September 25, 2017. Absent timely payment of the fee, this action will be dismissed with prejudice as recommended in the Report.

IT IS SO ORDERED this 13th day of September, 2017.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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